



FILED
Case 1:08-cv-00062 Document 4 Filed 01/02/2008 Page 1 of 9

JAN - 2 2008

Jan 2, 2008

903.07045 SBN/jk

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

DENNIS WORSHAM,)
vs.)
JOHN A. POLSON and GB TRANSPORT, LTD.,)
Defendants.)

08CV62

JUDGE HIBBLER
MAG. JUDGE ASHMAN

NOTICE OF REMOVAL

NOW COME the defendants, GB TRANSPORT, LTD. and JOHN A. POLSON, all the defendants herein, by and through their attorneys, CHILTON YAMBERT PORTER & YOUNG LLP, pursuant to Title 28 U.S.C. §§ 1332, 1441 and 1446, hereby file their Notice of Removal of the cause entitled *Dennis Worsham v. John A. Polson and GB Transport, Ltd.*, filed in the Law Division of the Circuit Court of Cook County, Illinois under case number 2007 L 12341.

As their grounds for removal, defendants state as follows:

1. That plaintiff commenced an action against the above-referenced defendants on or about October 31, 2007 by filing plaintiff's Complaint at Law in the Law Division of the Circuit Court of Cook County, Illinois under case number 2007 L 12341. That on the 21st day of December, 2007, the defendants' counsel mailed for filing their Appearance for the defendants in the Circuit Court of Cook County. A true and correct copy of the Appearance is attached hereto and made a part of this Notice as Exhibit "A".

2. That the defendant, John A. Polson, is a citizen of the State of Ohio and was a citizen of Ohio at the time of the alleged incident. That GB Transport, Ltd. is a citizen of Indiana. That GB Transport, Ltd. has its principal place of business at 351 Pokagon Trail,

Angola, Indiana 46703. See Affidavit of John A. Polson attached as Exhibit "B" and Affidavit of Glen Beecher of GB Transport, Ltd., attached hereto as Exhibit "C".

3. That attached hereto as Exhibit "D" is the Complaint filed in the Circuit Court of Cook County, Illinois, Court No. 2007 L 12341 entitled *Dennis Worsham v. John A. Polson and GB Transport, Ltd.*

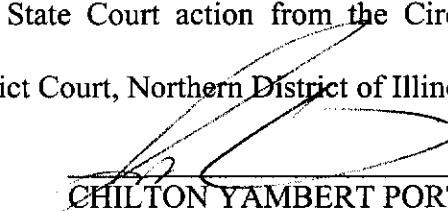
4. That based on information and belief, Dennis Worsham is a citizen of the State of Illinois.

5. That the State Court is an action for civil damages by Dennis Worsham for personal injuries. No specific dollar amount for damages is alleged on the face of the Complaint, but the amount in controversy is believed to exceed \$75,000, exclusive of interest and costs.

6. 28 U.S.C. § 1332 provides that:

- (a) The District Court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between
 - (1) citizens of different states;
 - (2) citizens of a State and citizens or subjects of a foreign state . . .

WHEREFORE, defendants, GB TRANSPORT, LTD. and JOHN A. POLSON, file their Notice of Removal, removing the State Court action from the Circuit Court of Cook County, Illinois, to the United States District Court, Northern District of Illinois.


CHILTON YAMBERT PORTER & YOUNG LLP
By: Jason Orleans
Attorney for Defendants

Steven B. Novy
Jason Orleans
CHILTON YAMBERT PORTER & YOUNG LLP
325 Washington Street, S-200
Waukegan, IL 60085
847/625-8200
847/625-8262 – Fax

903.07045 SBN/jk

Firm No. 35613

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

DENNIS WORSHAM,)
vs.)
Plaintiff,)
vs.)
JOHN A. POLSON and GB TRANSPORT, LTD.,)
Defendants.)
NO. 07 L 12341

NOTICE OF FILING

TO: F. James Foley, Jr.
Foley & Majeske
20 N. Clark, 36th Flr.
Chicago, IL 60602

PLEASE TAKE NOTICE that on December 21, 2007, there was mailed for filing with the Clerk of the Circuit Court of Cook County, Illinois, Defendants' **Appearance and Jury Demand, Answer to Complaint and Affirmative Defenses**, copies of which are attached to this Notice of Filing.

CHILTON YAMBERT PORTER & YOUNG LLP
Attorneys for Defendants
325 Washington Street, Suite 200
Waukegan, Illinois 60085
(847) 625-8200
(847) 625-8262 Fax

Pursuant to 735 ILCS 5/1-109, the undersigned states that she served the foregoing Notice of Filing and document referenced therein by mailing to the above-named on December 21, 2007.

Janice Kammer



SBN/jk

Firm No. 35613

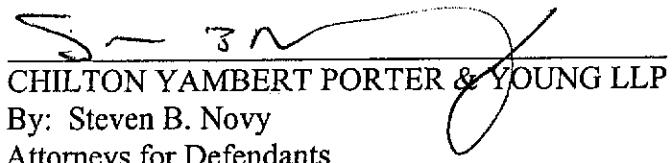
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

DENNIS WORSHAM,)
vs.)
Plaintiff,)
vs.) NO. 07 L 12341
JOHN A. POLSON and GB TRANSPORT, LTD.,)
Defendants.)

APPEARANCE AND JURY DEMAND

We hereby enter the appearance of GB TRANSPORT, LTD., an Ohio corporation, and JOHN A. POLSON as defendants in the above-captioned cause and ourselves as its attorneys therein.

These defendants demand trial by jury.


CHILTON YAMBERT PORTER & YOUNG LLP
By: Steven B. Novy
Attorneys for Defendants

CHILTON YAMBERT PORTER & YOUNG LLP
325 Washington Street
Waukegan, IL 60085
Telephone: (847) 625-8200
Facsimile: (847) 625-8262

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

STANLEY S. FOWLER,

Plaintiff,

vs.

GB TRANSPORT, LTD., a foreign
corporation, and JOHN A. POLSON,

Defendants.

) NO. 2007 L 7171

AFFIDAVIT

I, John A. Polson, am an adult of sound mind and body being duly sworn on oath, state that if called to testify I would do so with personal knowledge as follows:

1. My name is John A. Polson.
2. I am a named defendant in the above-captioned matter.
3. That all times relevant to the above-captioned matter, I resided at 9230 Reading Road, Apt. 7 in Cincinnati, Ohio.
4. I currently reside at 1350 Pebble Court, Apt. 142, Cincinnati, Ohio.

Further affiant sayeth not.

Dated: August 22, 2007

John Polson
John A. Polson

Subscribed and Sworn to before
me this 22 day of August, 2007.

Jane A. Vesoulis
Notary Public



JANE A. VESOULIS
Notary Public, State of Ohio
My commission expires 10/27/2009

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

STANLEY S. FOWLER,

Plaintiff,

vs.

GB TRANSPORT, LTD., a foreign
corporation, and JOHN A. POLSON,

Defendants.

) NO. 2007 L 7171

AFFIDAVIT

I, Glen Beecher, am an adult of sound mind and body, being duly sworn on oath, state that if called to testify I would do so with personal knowledge as follows:

1. My name is Glen Beecher.
2. I am the president of GB Transport, Ltd., an Indiana for profit foreign corporation.
3. That GB Transport, Ltd.'s home office is at 351 Pokagon Trail Angola, Indiana 46703.

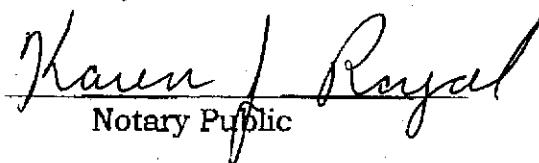
Further affiant sayeth not.

Dated: August 22, 2007

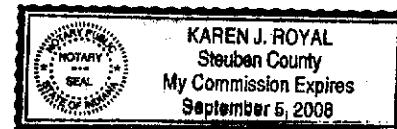


Glen Beecher

Subscribed and Sworn to before
me this 22nd day of August, 2007.



Notary Public



STATE OF ILLINOIS)
)
COUNTY OF COOK)

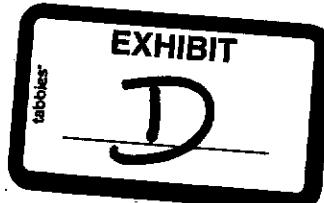
IN THE CIRCUIT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

DENNIS WORSHAM,)
Plaintiff,) No.: 2007 L 18341
Vs.)
JOHN A POLSON and)
GB TRANSPORT, LTD.)
Defendants.)

COMPLAINT AT LAW

NOW COMES the Plaintiff, DENNIS WORSHAM, by and through his attorney, FOLEY & MAJESKE, and complaining of the Defendants, JOHN A. POLSON and GB TRANSPORT, LTD., state as follows:

1. On January 1, 2006, the Plaintiff, DENNIS WORSHAM, was operating a motor vehicle northbound on I-294 at or near milepost 31.5, in Lyons, County of Cook, State of Illinois.
2. On January 1, 2006, the Defendant, JOHN A. POLSON, was operating a motor vehicle in a northbound direction on I-294 at or near milepost 31.5, in Lyons, County of Cook, State of Illinois.
3. The motor vehicle operated by the Defendant, JOHN A. POLSON, was owned by the Defendant, GB TRANSPORT, LTD., and being operated for its benefit.
4. It was then and there the duty of the Defendants to exercise reasonable care in the operation of said motor vehicle.



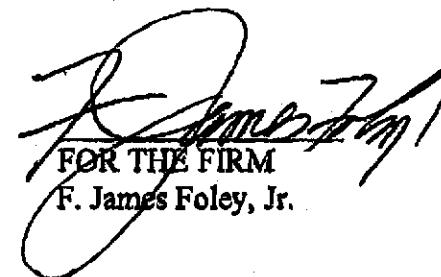
5. Notwithstanding their duty in the premises, the Defendants, JOHN A. POLSON and GB TRANSPORT, LTD., were guilty of one or more of the following negligent acts or omissions:

- a) Failed to reduce said motor vehicle's speed to avoid colliding with the Plaintiff's vehicle;
- b) Followed the Plaintiff's vehicle too closely;
- c) Failed to keep said vehicle under control;
- d) Failed to keep a proper look-out for other vehicles on the roadway;

6. As a direct and proximate result of one or more of the foregoing, the motor vehicle operated by the Defendant struck the motor vehicle operated by the Plaintiff.

7. As a direct result thereof, the Plaintiff was injured; lost wages from his employment; has incurred various hospital and doctor bills; and the Plaintiff vehicle was damaged and reduced in use and value.

WHEREFORE the Plaintiff, DENNIS WORSHAM, prays judgement against the Defendant, JOHN A. POLSON and GB TRANSPORT, LTD., in an amount in excess of \$50, 000.00 ,plus costs.



FOR THE FIRM
F. James Foley, Jr.

FOLEY & MAJESKE
20 N. CLARK 36TH FLOOR
CHICAGO, IL 60602
(312) 782-5841
ATTY. NO.:23402

903.07045 SBN/jk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

DENNIS WORSHAM,)
vs.)
JOHN A. POLSON and GB TRANSPORT, LTD.,)
Plaintiff,)
Defendants.)

08CV62
JUDGE HIBBLER
MAG. JUDGE ASHMAN

NOTICE OF FILING

TO: F. James Foley, Jr.
Foley & Majeske
20 N. Clark, 36th Flr.
Chicago, IL 60602

PLEASE TAKE NOTICE that on December 27, 2007, there was filed with the Clerk of the United States District Court, Northern District of Illinois, the attached Notice of Removal, a copy of which is attached to this Notice of Filing.

CHILTON YAMBERT PORTER & YOUNG LLP

By: Jason Orleans
Attorney for Defendants

Steven B. Novy
Jason Orleans
CHILTON YAMBERT PORTER & YOUNG LLP
325 Washington St., Suite 200
Waukegan, IL 60085
Telephone: (847) 625-8200
Fax: (847) 625-8262

FILED

JAN - 2 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

CERTIFICATE OF SERVICE

Pursuant to 735 ILCS 5/1-109, the undersigned states that she served the foregoing Notice of Filing and documents referenced therein by mailing copies to the above-named attorney at the addresses indicated above and depositing the same in the U.S. Mail at Waukegan, Illinois on December 27, 2007.

Janee Kamenir